

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff-Respondent,	§	
	§	
V.	§	CRIMINAL ACTION NO. H-97-168-1
	§	
GRATINIANO TOVAR-VALENCIA,	§	
	§	
Defendant-Movant.	§	

**ORDER ADOPTING RECOMMENDATION OF THE MAGISTRATE JUDGE**

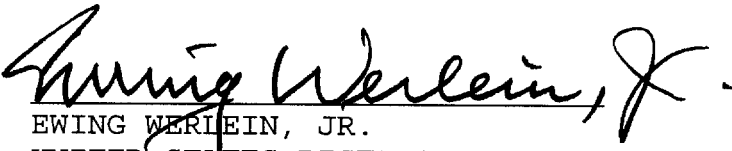
Pending is Defendant Gratiniano Tovar-Valencia's Petition for Writ of Mandamus (Document No. 502). The Court has received from the Magistrate Judge a Memorandum and Recommendation recommending that Tovar-Valencia's Petition for Writ of Mandamus be DENIED. No Objections have been filed to the Memorandum and Recommendation. The Court, after having made a *de novo* determination of the Petition for Writ of Mandamus, the Government's Response, and the Magistrate Judge's Memorandum and Recommendation, is of the opinion that the findings and recommendations of the Magistrate Judge are correct and should be and hereby are accepted by the Court in their entirety. Therefore,

It is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge signed and filed on November 14, 2011, which is adopted in its entirety as the opinion of the Court, that Defendant Gratiniano

Tovar-Valencia's Petition for Writ of Mandamus (Document No. 502)  
is DENIED.

The Clerk will enter this Order and send copies to all parties  
of record.

Signed at Houston, Texas this 21<sup>ST</sup> day of December, 2011.

  
EWING WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE